

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN JAY VON ALLMEN,

Plaintiff,

v.

F/V ANDRONICA
Official No. 622780, her engines, tackle and
appurtenances, and

F/V JULIA LEE
Official No. 664893, her engines, tackle and
appurtenances,

In Rem;

ANDRONICA, INC; and JULIA LEE FISHING
CO.,

In Personam

Defendants.

No. C04-550L

**ORDER GRANTING DEFENDANT
JULIA LEE FISHING COMPANY'S
MOTION FOR RELIEF FROM
DISPOSITIVE MOTION DEADLINE
TO FILE MOTION FOR PARTIAL
SUMMARY JUDGMENT FOR
INDEMNIFICATION OF
MAINTENANCE AND CURE
EXPENSES BY DEFENDANT
ANDRONICA, INC.**

1 This matter, having come before this Court on Defendant Julia Lee Fishing
2 Company's ("Julia Lee") Motion For Relief From Dispositive Motion Deadline To File
3 Motion For Partial Summary Judgment For Indemnification Of Maintenance And Cure
4 Expenses By Defendant Andronica, Inc. ("Motion"), and the Court having reviewed:

- 5 1. Julia Lee's Motion and supporting Declaration of Richard A. Nielsen;
- 6 2. Defendant Andronica Inc.'s Memorandum in Opposition;
- 7 3. Julia Lee's Reply Memorandum, and having reviewed the records and files

8 herein, and being fully advised, now therefore:

9 IT IS ORDERED that the Motion is hereby granted. The Court is persuaded that the
10 underlying Motion for Partial Summary Judgment was not inexcusably delayed by Julia Lee
11 and is now ripe for consideration as a consequence of this Court's ruling in the liability phase
12 of the matter. Moreover, upon review of Julia Lee's Motion for Partial Summary Judgment
13 For Indemnification of Maintenance And Cure Expenses By Defendant Andronica, Inc., it is
14 of the nature that would have been appropriate to bring prior to the dispositive motion
15 deadline pursuant to Fed. R. Civ. P. 56. For good cause shown, therefore, and in the interest
16 judicial economy and possibly eliminating issues for trial by jury during the damages phase,
17 leave is hereby granted to Julia Lee to file its underlying motion. The briefing schedule shall
18 be as follows:

19 1) Julia Lee's Motion for Partial Summary Judgment (filed as Ex. A to Dkt. # 91)
20 shall be noted on the motion calendar for October 7, 2005;

21 2. Defendant Andronica, Inc.'s Opposition Brief shall be due on October 3, 2005;
22 and
23

3) Defendant Julia Lee's Reply Brief shall be due on October 7, 2005.

DATED this 13th day of September, 2005.



Robert S. Lasnik
United States District Judge

Presented by:

NIELSEN SHIELDS, PLLC

By: s/ Richard A. Nielsen

RICHARD A. NIELSEN, WSBA #11916
Attorneys for Defendant Julia Lee
Fishing Company

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to The Honorable Robert S. Lasnik, and I hereby certify that I have sent by U.S. Mail the document to which this certificate is attached to the following individual(s):

Attorney for Plaintiff

Gregory Bilyeu, Esq.
904 S. 3rd Street
Mount Vernon, WA 98273-4324

Attorney for Defendant Andronica, Inc.

Eric McVittie, Esq.
William Keller, Esq.
LeGros, Buchanan & Paul
701 5th Avenue, Suite 2500
Seattle, WA 98104

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington this 29th day of August, 2005.

s/Jacqueline Lucien

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